

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

JAMES C. WINDING

PLAINTIFF

VS.

CIVIL ACTION NO. 3:13cv289-CWR-FKB

C. RUTLEDGE et al.

DEFENDANTS

REPORT AND RECOMMENDATION

On August 20, 2014, this Court entered a show cause order [106] directing that Plaintiff show cause as to why Defendants C. Rutledge and Trinity Food Service should not be dismissed pursuant to Fed. R. Civ. P. 4(m). Although Plaintiff has responded to the show cause order, neither of his responses [123 and 128] establishes that either of these defendants have been served with process.¹ Accordingly, the undersigned recommends that they be dismissed.

The parties are hereby notified that failure to file written objections to the proposed findings, conclusions, and recommendation contained within this report and recommendation within fourteen (14) days after being served with a copy shall bar that party, except upon grounds of plain error, from attacking on appeal the proposed factual

¹This action was removed from state court. The state court record does not contain returns of service or entries of appearance for C. Rutledge and Trinity Food Services, and these defendants did not join in the removal. Since the removal, Plaintiff has taken no action to have them served with process.

findings and legal conclusions accepted by the district court. 28 U.S.C. § 636; Fed. R. Civ. P. 72(b); *Douglass v. United Services Automobile Ass'n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996).

Respectfully submitted, this the 17th day of February, 2015.

/s/ F. Keith Ball
UNITED STATES MAGISTRATE JUDGE